

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 RICHARD IDEN,

5 Plaintiff,

6 v.

7 SEVENTH JUDICIAL DISTRICT COURT,

8 Defendant.

Case No. 3:19-cv-0593-MMD-CLB

**REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE¹**

9 **I. DISCUSSION**

10 On September 25, 2019, Plaintiff, who is an inmate in the custody of the Nevada
11 Department of Corrections, submitted a *pro se* civil rights complaint. (ECF No. 1-1).
12 Plaintiff did not pay the full filing fee or apply to proceed *in forma pauperis*. Thus, the
13 court, on two separate occasions, directed Plaintiff to complete the *in forma pauperis*
14 application or pay the full filing fee. (See ECF Nos. 3, 5). Plaintiff was given until February
15 29, 2020 to file an application to proceed *in forma pauperis* or pay the full filing fee, which
16 Plaintiff failed to do.

17 Accordingly, the court recommends that this action be dismissed without prejudice,
18 for Plaintiff's failure to pay the full filing fee or file an application to proceed *in forma*
19 *pauperis*.
20

21 The parties are advised:

22 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of
23 Practice, the parties may file specific written objections to this report and recommendation
24 within fourteen days of receipt. These objections should be entitled "Objections to
25 Magistrate Judge's Report and Recommendation" and should be accompanied by points
26

27
28 ¹ This Report and Recommendation is made to the Honorable Miranda M. Du, United
States District Judge. The action was referred to the undersigned Magistrate Judge
pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice IB 1-4.

1 and authorities for consideration by the District Court.

2 2. This report and recommendation is not an appealable order and any notice
3 of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District
4 Court's judgment.

5 **II. RECOMMENDATION**

6 For the reason stated above, the court recommends that the District Court enter
7 an order **DISMISSING** this action without prejudice.

8 **DATED:** 3/3/2020.

9 
10 **UNITED STATES MAGISTRATE JUDGE**